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AARON SICOFF

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AARON SICOFF,
Plaintiff,

vs.

USCB, INC.,
Defendant(s).

Case No.: 2:18-cv-3707

**COMPLAINT AND DEMAND FOR
JURY TRIAL FOR:**

- 1. VIOLATIONS OF
THE FAIR DEBT COLLECTION
PRACTICES ACT [15 U.S.C. §
1692]**
- 2. VIOLATIONS OF THE
ROSENTHAL FAIR DEBT
COLLECTION PRACTICES
ACT [CAL. CIV. CODE § 1788]**

INTRODUCTION

1. AARON SICOFF ("Plaintiff") brings this action to secure redress from USCB, INC. ("Defendant") for violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692. Plaintiff also brings this action to secure

1 redress from Defendant for violations of the Rosenthal Fair Debt Collection
2 Practices Act [CAL. CIV. CODE § 1788].

3 **JURISDICTION AND VENUE**

4 2. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331 as
5 Plaintiff's claims arise under the laws of the United States.

6 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)
7 because the acts and transactions alleged in this Complaint occurred here, Plaintiff
8 resides here, and Defendant transacts business here.

9 **PARTIES**

10 4. Plaintiff is an individual, residing in Los Angeles County, California.
11 Plaintiff is a natural person from whom a debt collector seeks to collect a consumer
12 debt which is due and owing or alleged to be due and owing.

13 5. Defendant is a corporation engaged in the business of collecting
14 debts in this state and in several other states, with its principal place of business
15 located in California. The principal purpose of Defendant is the collection of debts
16 in this state and Defendant regularly attempts to collect debts alleged to be due
17 another.

18 6. Defendant is engaged in the collection of debts from consumers using
19 the mail and telephone. Defendant regularly attempts to collect debts alleged to
20 be due another and Defendant is a "debt collector" as defined by the FDCPA and
21 the RFDCPA.

22 **FACTUAL ALLEGATIONS**

23 7. Within one year prior to the filing of this action, Defendant contacted
24 Plaintiff to collect money, property or their equivalent, due or owing or alleged to
25 be due or owing from a natural person by reason of a consumer credit transaction
26 and/or "consumer debt."

27 8. Within one year prior to the filing of this action, Defendant regularly
28 and repeatedly called Plaintiff at Plaintiff's telephone number ending in

1 1119.

2 9. Within one year prior to the filing of this action and on numerous
3 occasions, Defendant placed multiple calls to plaintiff from telephone number
4 (855) 757-6923 from June 2017 through August 2017. At all times relevant to this
5 action, Defendant called Plaintiff from, but not limited to, the forgoing telephone
6 number for the purpose of collecting an alleged debt.

7 10. Within one year prior to the commencement of this action, Defendant
8 caused Plaintiff's telephone to ring repeatedly and continuously to annoy Plaintiff.

9 11. Within one year prior to the filing of this action, Defendant
10 communicated with Plaintiff with such frequency as to be unreasonable under the
11 circumstances and to constitute harassment.

12 12. The natural and probable consequences of Defendant's conduct was
13 to harass, oppress or abuse Plaintiff in connection with the collection of the alleged
14 debt.
15

16 13. As a result of Defendant's alleged violations of law by placing these
17 calls to Plaintiff's telephone, Defendant caused Plaintiff harm and/or injury such
18 that Article III standing is satisfied in at least the following, if not more, ways:

- 19 a. Invading Plaintiff's privacy;
20 b. Electronically intruding upon Plaintiff's seclusion;
21 c. Intrusion into Plaintiff's use and enjoyment of his cellular
22 telephone;
23 d. Impermissibly occupying minutes, data, availability to answer
24 another call, and various other intangible rights that Plaintiff has as to
25 complete ownership and use of his cellular telephone;
26 e. Causing Plaintiff to expend needless time in receiving, answering,
27 and attempting to dispose of Defendant's unwanted calls.
28

FIRST CAUSE OF ACTION

(Violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692)

14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. Defendant violated the FDCPA. Defendant's violations include, but are not limited to the following:

(a) Defendant violated 15 U.S.C. §1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt;

(b) Defendant violated 15 U.S.C. §1692d(5) causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number; and

(c) Defendant violated 15 U.S.C. §1692f use unfair or unconscionable means to collect or attempt to collect any debt.

16. Defendant's acts, as described above, were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

17. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, and attorney's fees and costs, and, such other and further relief as the Court deems proper.

SECOND CAUSE OF ACTION

(Violation of the Rosenthal Fair Debt Collection Practices Act, CAL. CIV. CODE § 1788)

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

18. Defendant violated the RFDCPA. Defendant's violations include, but are not limited to, the following:

1 (a) Defendant violated CAL. CIV. CODE § 1788.17 by collecting or
2 attempting to collect a consumer debt without complying with the provisions of
3 Sections 1692b to 1692j, inclusive, of . . . Title 15 of the United States Code (Fair
4 Debt Collection Practices Act).

5 19. Defendant's acts, as described above, were done intentionally with the
6 purpose of coercing Plaintiff to pay the alleged debt.

7 20. As a result of the foregoing violations of the RFDCPA, Defendant is
8 liable to Plaintiff for actual damages, statutory damages, and attorney's fees and
9 costs.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff respectfully requests that judgment be entered
12 against Defendant for the following:

13 (a) Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) and CAL. CIV.
14 CODE § 1788.30(a) for the emotional distress suffered as a result of both the
15 intentional and/or negligent FDCPA and RFDCPA violations, in amounts to be
16 determined at trial and for Plaintiff.

17 (b) Statutory damages \$1,000.00 from Defendant pursuant to 15 U.S.C.
18 § 1692k(a)(2)(A) and \$1,000.00 pursuant to CAL. CIV. CODE § 1788.30(b); and

19 (c) Costs and reasonable attorney's fees pursuant to 15 U.S.C.
20 § 1692k(a)(3) and CAL. CIV. CODE § 1788.30(c);

21 (d) For such other and further relief as the Court may deem just and
22 proper.
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DEMAND FOR JURY TRIAL

Please take notice that Plaintiff demands a trial by jury in this action.

Dated: May 2, 2018

RESPECTFULLY SUBMITTED,
MARTIN & BONTRAGER, APC

By: /s/ G. Thomas Martin, III

G. Thomas Martin, III
Attorney for Plaintiff